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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,356	03/06/2006	Ken'ichi Nagata	2006_0131a	9734
52349 7590 09/18/2008 WENDEROTH, LIND & PONACK L.L.P. 2033 K. STREET, NW SUITE 800 WASHINGTON, DC 20006			EXAMINER KIJMOWICZ, WILLIAM JOSEPH	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 09/18/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/567,356

**Applicant(s)**

NAGATA ET AL.

**Examiner**

William J. Klimowicz

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 10-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)  
Paper No(s)/Mail Date 2-6-06/11-05-07-4-22-08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of Group I (claims 1-9) in the reply filed on June 2, 2008 is acknowledged.

Claims 10-12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on June 2, 2008.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohta et al. (US 6,108,297).

As per claim 1, Ohta et al. (US 6,108,297) discloses an optical information recording medium comprising: one or more information layers (e.g., 13) including a recording layer (13) for recording/reproducing an information signal by irradiation with a laser light; and a separating layer (e.g., 12) or a protective substrate (e.g., 11) on which a first information layer (13) of the information layer (13) on the irradiation face side is formed, the separating layer (12) or the protective substrate (11) having a guide groove (20) spirally or concentrically formed on the

surface, and the respective inclined planes on the inner perimeter side (left-side as see in FIGS. 1, 3, for instance) and the outer perimeter side (right-side as see in FIGS. 1, 3, for instance) of the guide groove (20) having inclined angles  $\alpha$  (e.g.,  $\theta 2a$ ) and  $\beta$  (e.g.,  $\theta 2b$ ) with respect to the bottom face of the guide groove, the guide groove having one or more dissymmetric regions where the inclined angles  $\alpha$  and  $\beta$  are different.

As per claim 2, wherein the guide groove has two or more of the dissymmetric regions in the radius direction (see FIGS. 1, 3).

As per claim 3, wherein the inclined angle  $\beta$  (e.g.,  $\theta 2b$ ) is smaller than the inclined angle  $\alpha$  (e.g.,  $\theta 2a$ ).

As per claim 4, having a relation:  $\alpha - \beta \geq 20$  degrees (e.g., see, *inter alia*, col. 11, lines 5-13).

As per claim 5, wherein the protective substrate (11) has a radius  $r$  and the dissymmetric region is formed at a distance larger than  $r/2$  from the center of the protective substrate (11) in the radius direction - e.g., see FIGS. 2, 3.

As per claim 9, wherein the information layer (13) has "roughly agreeing" thicknesses in the inclined face portion on the inner perimeter side and in the inclined face portion on the outer perimeter side in the dissymmetric region (see FIG. 1).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta et al. (US 6,108,297).

See the description of Ohta et al. (US 6,108,297), *supra*.

As per claim 8, although Ohta et al. (US 6,108,297) does not expressly depict wherein the optical information recording medium comprises a single-sided multi-layered configuration, including a second information layer, a separating layer having a second guide groove and the first information layer are sequentially laminated on the protective substrate having the first guide groove, such dual layer recording disk single-sided media are well known in the art.

Official notice is taken that single-sided multi-recording layered optical disk media are notoriously old and well known and ubiquitous in the art; such Officially noticed fact being capable of instant and unquestionable demonstration as being well-known.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings and suggestions of Ohta et al. (US 6,108,297) to a conventional multi-recording layered optical disk, as is well known in the art.

The rationale is as follows: one of ordinary skill in the art would have been motivated to provide the teachings and suggestions of Ohta et al. (US 6,108,297) to a conventional multi-recording layered optical disk, as is well known in the art in order to increase the recording capacity of the recording media of Ohta et al. (US 6,108,297).

***Allowable Subject Matter***

Claims 6 and 7 are tentatively objected to as being dependent upon a rejected base claim, but, pending an updated search, amendments or arguments presented by the Applicant and considered by the Examiner in reply to this office communication, would be favorably considered if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Friday (7:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William J. Klimowicz/  
Primary Examiner, Art Unit 2627